IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.181 OF 2005

1. Sky Anchorage Co.op.Hsg.Socy.ltd. & Anr. Petitioners
vs.
1. The Municipal Corporation of Gr. Mumbai & ors. Respondents

Mr.Milind Vasudeo with Mr.Kumana i/b.M/s.Kumana & Co. for the petitioners.

Mr.K.K.Singhvi, Sr.Counsel with Mrs.A.K.Savla for respondents 1 to 5.

Mr.K.R.Belosay, Govt. Pleader for respondent no.6.

Mr.Virag V. Tulzapurkar, Sr.Counsel i/b.M/s.Doijode Phatarphekar & Associates for respondent no.7.

Dr.Virendra V. Tulzapurkar, Sr.Counsel and Mr.H.N.Thokare and Ms.Purvi Chatrapati i/b.M/s.Thakore Jariwala & Associates for respondent no.8.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 9th October, 2006

P.C.

Heard the learned counsel for the parties.

2. Before we go into the controversy, we may note that the petitioners herein have filed a Suit being SC Suit No.1759/2003 which is pending in the Bombay City Civil Court. One of the reliefs is de-amalgamation as set out in prayer (b) of the Suit. Apart from that respondent no.8 has filed a Suit being Suit No.2719/2003 before this Court seeking conveyance of the amalgamated plot in favour of respondent no.8 and the petitioners jointly.

Considering the pending Suits and reliefs therein we may now consider the prayers in this petition. Prayer (a) is to direct the respondents-Corporation to take action in terms of Report dated 1st June, 2004. The learned counsel for the respondent-Corporation, on instructions, states that the enquiry has been completed and the matter is filed. It will be open to the petitioners, if they are party to the proceedings, to apply for a copy of the decision from the authorities. Even otherwise in so far as prayer (b) is concerned, the respondent no.9 is directed to dispose of the appeal at the earliest at any rate not later than six months from today. In so far as other prayers are concerned, in our opinion, until the title in the Suits are decided and order is passed, no relief as prayed for in the present petition can be granted.

3. For the aforesaid reasons, we are not inclined to exercise our extraordinary jurisdiction in this matter. All issues on title are left open for consideration in the Suits which are pending.

4. Petition stands disposed of accordingly.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)